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Docket Clerk
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MAR 04 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Peter Allen Huboi
Application No.: 09/459,380
Filed: December 13, 1999
For: METHODS AND APPARATUS FOR
VOICE RECOGNITION FOR CALL
TREATMENT MODIFICATION ON
MESSAGING

)
) **DECISION ON PETITION TO**
) **WITHDRAW HOLDING OF**
) **ABANDONMENT**

This is a decision on the petition filed January 8, 2004, which is being treated as a petition to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely and effective manner to the final Office action mailed March 19, 2003. A Notice of Abandonment was mailed December 18, 2003.

In support of the petition, petitioners provide a copy of a request for CPA (which will be treated as a request for continued examination), a certificate of express mailing, a copy of the Express Mail receipt, a personal statement from Katy Cedor (Assistant to the Attorney of Record) who personally prepared and deposited the request for CPA and a detailed report that indicates payment of copies and postage for mailing the request. In addition, Applicant's submission included a statement on non-authorization to charge a deposit account for the filing of the request for CPA.

A review of the file record reveals that Applicant's request for CPA (filed in the USPTO on June 19, 2003), has since been matched with the file. Therefore, the record is clear that the application was *not abandoned in fact* and a Notice of Abandonment should not have been issued.

Therefore, the abandonment was the result of Office error in not timely matching the response to the application file and the application was not abandoned in fact. The Notice of Abandonment is vacated and the holding of abandonment withdrawn. The Office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

The application file is being forwarded to the Technology Center support staff for processing of the request for a CPA.

Mark Powell, Director
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